

Government of Odisha
Forest & Environment Department

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No.10F (Con) 541/2011 1969 /F&E, Bhubaneswar, dated the 28-1-17

ORDER

Sub: Diversion of 0.82ha. of forest land for construction of 132KV transmission line by M/s SMC Power Generation Ltd. at village Hirma in Jharsuguda district, Odisha

WHEREAS, the M/s SMC Power Generation Ltd. At/PO Hirma, Dist. Jharsuguda, Odisha had applied for diversion of 0.82ha. of forest land for construction of 132KV transmission line by them at village Hirma in Jharsuguda district, Odisha.

And whereas, the Ministry of Environment, Forests and Climate Change (hereinafter referred to as MoEF&CC), Government of India, Eastern Regional Office had accorded 'in-principle' approval for diversion of 0.82ha. of forest land for construction of 132KV transmission line by M/s SMC Power Generation Ltd. at village Hirma in Jharsuguda district, Odisha vide its letter No. 5-ORB131/2011-BHU dt. 18.7.2011(ANNEXURE-1).

And whereas, the MoEF&CC , Government of India, Eastern Regional Office in consideration of the compliance of the conditions of the 'in-principle' approval, has accorded final approval for diversion of the said 0.82ha. of forest land in favour of above mentioned user agency vide its letter No. 5-ORB131/2011-BHU dt.14.12.2016 (Annexure-2) under Section 2 of the Forest (Conservation) Act, 1980;

Now therefore, the Government of Odisha, do hereby allow diversion of forest land of 0.82 in favour of the applicant Company, as per approved land use pattern, detailed land schedule of said forest land duly authenticated by Tahasildar of Jharsuguda as received from PCCF, Odisha vide his letter No.1152 dt. 17.1.2017 enclosed herewith as Annexure-3, subject to fulfillment of the conditions stipulated by the MoEF&CC, Government of India, Eastern Regional Office.

The Collector of Jharsuguda district is authorized to handover the forest land, as has been diverted, to the user agency following due procedure of law. Before handing over the forest land to the user agency, it shall be ensured that Net Present Value for forest land for this project as well as for any other projects, belonging to same user agency, is deposited, in full, at applicable rates.

The Divisional Forest Officer of Jharsuguda Division is also directed to monitor compliance to the conditions stipulated for such diversion in the respective forest/Wildlife clearance order and to report violations, if any, to the Nodal Officer, O/O Pr. CCF, Odisha and to the Forest & Environment Department.

Execution of project activities will be subject to availability of all other statutory clearances required under relevant Act/Rules for this infrastructure project and compliance of Court's order, if any.

By order of Governor

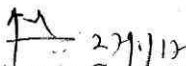

(Debidutta Biswal)

Special Secretary to Government

Memo No. 1970 /F&E, Dated: 28-1-17

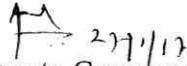
Copy along with the copy of Annexure 1, Annexure-2 and Annexure-3 above forwarded to the Principal Chief Conservator of Forests, Odisha for kind information and necessary follow up action.

Appropriate instruction to the Divisional Forest Officer of Jharsuguda Division and user agency may be imparted for required follow up action at their end. It may be ensured by the Divisional Forest Officer that Net Present Value for the forest land involved in this project of user agency as well as for any other projects of the same user agency is deposited by them in appropriate head of account in Adhoc-CAMPA in full, at applicable rates. The user agency may also be instructed to furnish compliance to the conditions of forest/Wild life clearance pertaining to the project in every quarter to the Divisional Forest Officer of Jharsuguda Division for facilitating monitoring of compliances.


Special Secretary to Government

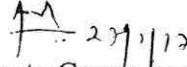
Memo No. 1971 /F&E, Dated: 28-1-17

Copy along with the copy of annexures as above forwarded to the Asst. Inspector General of Forests, Government of India, MoEF&CC(FC Division), Indira Paryavaran Bhawan, Jor Bagh, Aliganj Road, New Delhi, Pin-110003/Addl. Principal Chief Conservator of Forests(Central), MoEF&CC, Government of India, A/3, Chandrasekharpur, Bhubaneswar for kind information and necessary follow up action in compliance to the order of Hon'ble NGT dt. 7.11.2012 in Appeal No. 7/2012 communicated by the MOEF, Government vide their letter F. No.7-23/2012-FC dt. 24.7.2013.


Special Secretary to Government

Memo No. 1972 /F&E, Dated: 28-1-17

Copy along with the copy of annexures as above forwarded to the Pr. CCF(WL)&CWLW, Odisha/Director, Environment, F&E department/ Member Secretary, State Pollution Control Board, Odisha for information and necessary action.


Special Secretary to Government

Memo No. 1973 /F&E, Dated: 28-1-17

Copy along with the copy of annexures as above forwarded to the Regional Chief Conservator of Forests, Sambalpur/ Collector, Jharsuguda /Divisional Forest Officer, Jharsuguda Division for information and immediate necessary compliance.

It may be ensured by the Divisional Forest Officer that Net Present Value for the forest land involved in this project of user agency as well as for any other projects of the same user agency, shall be deposited by them in full at applicable rates in appropriate head of account in Adhoc-CAMPA before handing over of the forest land to user agency. The user agency may also be instructed to furnish compliance to the conditions of forest/Wild life

clearance pertaining to the project in every quarter to the Divisional Forest Officer concerned for facilitating monitoring of compliances by them.

The Divisional Forest Officer of Jharsuguda Division is also instructed to ensure that the direction given to the user agency are executed immediately.

H 27/11/17
Special Secretary to Government

Memo No. 1974 /Dated. 28-1-17

Copy along with the copy of annexures as above forwarded to the Energy Department / Revenue & Disaster Management Department / Industries Department / Steel 7 & Mines Department for information and necessary follow action.

H 27/11/17
Special Secretary to Government

Memo No. 1975 /Dated. 28-1-17

Copy along with the copy of annexures as above forwarded to the Private Secretary to Minister of Forest & Environment Department for kind information of Hon'ble Minister.

H 27/11/17
Special Secretary to Government

Memo No. 1976 /Dated. 28-1-17

Copy along with the copy of the enclosures forwarded to M/s SMC Power Generation Ltd., At/PO Hirma, Dist. Jharsuguda, Odisha for information and immediate necessary action.

The user agency is asked to take following actions immediately as per orders of Hon'ble National Green Tribunal dt. 7.11.2012 in Appeal No. 7/2012 communicated by the MOEF, Government vide their letter F. No.7-23/2012-FC dt. 24.7.2013.

- (i) *They shall publish the entire forest clearance granted in verbatim along with conditions and safeguards imposed by the Central Government in Stage-I/II forest clearance in two widely circulated daily newspapers, one in vernacular language and the other in English language so as to make people aware of the permission granted to the Project for use of forest land for non-forest purposes.*
- (ii) *They shall submit the copies of forest clearance orders granted by the Central Government/State Government to the Heads of local bodies and Municipal bodies along with the relevant offices of the State Government, who in turn, shall display the same for 30 days from date of receipt.*
- (iii) *Detailed action taken in compliance to the above order of State Government shall be intimated to the DFO, Jharsuguda Division/RCCF, Sambalpur/Pr. CCF, Odisha/F&E Department for reference.*

Besides the above, the user agency is also asked to deposit Net Present Value of forest land for this project and for any other projects belonging to him in full, if not deposited yet, at applicable rates.

The user agency shall furnish compliances to the conditions prescribed in the forest/wildlife clearance order to the Divisional Forest Officer of Jharsuguda Division in every quarter, for the purpose of monitoring by him.

H 27/11/17
Special Secretary to Government

Memo No. 1977 Dated- 28-1-17

Copy with copy of enclosure forwarded to the O.I.C., State Portal, N.I.C., I.T.. Department, Odisha Secretariat, Bhubaneswar/ M/s Luminous Infoways Pvt. Ltd, Sadhana, N-6/373, Nayapalli, Jayadev Vihar, Bhubaneswar-15 for information and necessary action.

They are requested to upload this letter along with enclosed forest clearance order of Government of India. MoEF&CC, ERO in the website of Forest & Environment Department immediately for information of all concerned. **This is required in compliance to order of Hon'ble National Green Tribunal dt. 7.11.2012 in Appeal No. 7/2012. Hence this may be done unfailingly.**

F-22.11.17
Special Secretary to Government.

Memo No. 1978 Dated- 28-1-17

Copy with copy of enclosure forwarded to the Under Secretary to Government, Office Establishment Section, F&E Department for information and necessary action with reference to their letter No.21646/F&E Dt. 22.11.2016.

F-22.11.17
Special Secretary to Government

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Annexure 3

Annexure - 3

**Land Schedule
 for the Forest land involved**

Mouza-Hirma
 Tah-Jharsuguda

PS-Jharsuguda
 Dist-Jharsuguda

Sl.No.	Khata No.	Name of the Recorded Tenant	Plot No	Total area in Ac	Proposed area to be acuired in Ac.	Kisam	Remarks
1	250	Rakhita	2005	9.55	1.14	Gramya	
2			2527	7.82	0.14	Jangal	
3			2543	10.30	0.02	-do-	
4			2544	4.05	0.00	-do-	
			2550/2786	0.18	0.12	-do-	
							2.02

=0.82 Hector

For SMC Power Generation

TAHASILDAR
 JHARSUGUDA

Director

Range Officer
 Jharsuguda Range

Range Officer
 Jharsuguda

(Certificate signed)

Sambalpur Division



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Telephone: 0674-2301218, 2301248, 2302452, 2302453. Fax: 0674-2302432. E-mail: roe.z.bsr-mef@nic.in

No. 5-ORB/19/2011-BHU

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14th December, 2016

The Principal Secretary,
 Forest & Environment Deptt.,
 Govt. of Odisha,
 Bhubaneswar.

State-II approval

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Sub:- Diversion of 0.82 ha of forest land for construction of 132 KV transmission line by M/s SMC Power Generation Ltd. at village Hirma in Jharsuguda district, Odisha.

Sir,

I am directed to refer to State Govt. letter No. 10F(Cons)-541/2011-10609/F&E dated 09.06.2011, wherein prior approval of the Ministry of Environment, Forest & Climate Change for diversion of 0.82 ha of forest land for construction of 132 KV transmission line by M/s SMC Power Generation Ltd. at village Hirma in Jharsuguda district, Odisha, was sought in accordance with Section-2 of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Ministry of Environment, Forest & Climate Change, the in-principle approval for diversion of the said forest land was accorded by Ministry vide this office letter of even number dated 18.07.2011, subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested to grant final approval of the proposal.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government of Odisha vide their letter No.10F(Cons)2011-7504/F&E dated 23.04.2016 and No.20012/F&E dated 01.11.2016 and with confirmation from Ad-hoc CAMPA vide letter No.1-26/2013-CAMPA dated 03.05.2016 and 17.11.2016, approval of the Ministry of Environment, Forest & Climate Change is hereby granted under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 0.82 ha of forest land for construction of 132 KV transmission line by M/s SMC Power Generation Ltd. at village Hirma in Jharsuguda district, Odisha, subject to the fulfillment of the following conditions:-

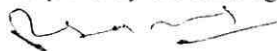
- i) Legal status of the diverted forest land shall remain unchanged.
- ii) Additional amount of NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India, shall be charged by State Govt. from the user agency. An undertaking from the user agency shall be obtained in this regard.
- iii) Penal Compensatory afforestation on degraded forest land over five times the area used in violation of Forest (Conservation) Act, 1980 i.e. 0.82 ha X 5 = 4.10 ha as proposed by State Govt. at the site selected and afforestation scheme prepared shall be raised and maintained by the State Forest Department at the cost of the user agency.
- iv) The user agency in consultation with the State Forest Department shall implement the scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in the right of way of the transmission line.

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- v) The State Forest Department has to take up plantation of indigenous and suitable species around the project area to develop the greenery of the area at project cost for which the user agency has deposited necessary funds.
- vi) The user agency shall trim/pollard and maintain the biomass wherever feasible under the power line/transmission line or bear the cost to get it done by any expert agency or Forest Department under the supervision of Forest Department.
- vii) The minimum ground clearance of the bare conductor shall be maintained 5.8 metre as per IS.
- viii) The user agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter No.7-25/2012-FC dated 05.05.2014 and 19.11.2014.
- ix) No earth or any construction material shall be borrowed from forest area and no debris resulting during construction shall be disposed off in the adjoining forest area.
- x) No additional or new path will be constructed inside the adjoining forest area for transportation of construction materials for execution of the project work.
- xi) Circuit breakers with appropriate and adequate protection with regard to safety of wildlife should be provided at all distribution lines (branching of lines) passing through the forest and adjoining forest areas.
- xii) User Agency shall take necessary steps to keep the height of the transmission line such that no wild animal come in accidental contact with live wire.
- xiii) No labour camp shall be established on the forest land.
- xiv) The user agency shall provide alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas.
- xv) The user agency shall ensure that there shall be no damage to the available forests, wildlife, if any by the user agency or by the Labourers/Contractors engaged by them.
- xvi) The boundary of the forest land diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from pillar to pillar.
- xvii) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without prior approval of Ministry of Environment, Forest & Climate Change.
- xviii) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No.11-9/1998-FC (pt.) dated 03.08.2009 read with letter No.11-9/1998-FC (pt.) dated 05.02.2013, in support thereof.
- xix) Any other conditions that Ministry of Environment, Forest & Climate Change may stipulate, from time to time, in the interest of conservation, protection and development of forests and wildlife shall be complied by the user agency.



- xx) The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and Eastern Regional Office of this Ministry.
- xxi) The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.
- xxii) In case of non-compliance of any of the above conditions, the State Govt. shall report to this office as per procedure laid down in the clause 1.9 of guidelines issued under Forest (Conservation) Act, 1980.

3. As has been mentioned at Para-2 of the Stage-II approval, this approval for diversion of forest land is subject to the fulfillment of stipulated conditions mentioned in this approval letter. Therefore, in the event of non-compliance of any of the conditions laid out in this approval letter, the Eastern Regional Office of MoEF&CC may withdraw the said approval for diversion of the forest land and stop the non-forest activity being carried out in the forest land besides initiating the legal action as per provisions of Forest (Conservation) Act, 1980.

Yours faithfully,



(R.K. Samal)

Conservator of Forests (Central)

Copy to:-

1. The Inspector General of Forests(FC), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Dy. Secretary, ROHQ, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
3. The Principal Chief Conservator of Forests, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751 023.
4. The Addl. PCCF & Nodal Officer (FC), Forest Deptt., Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751 023.
5. The Divisional Forest Officer, Sambalpur (North) Forest Division, Sambalpur, Odisha.
6. The Director, M/s SMC Power General Ltd., At/PO: Hirma, Dist: Jharsuguda, Odisha.
7. Guard file.



Conservator of Forests (Central)

No.5-ORB131/2011-BHU

18th July, 2011

To

The Principal Secretary,
Forest & Environment Deptt.,
Govt. of Orissa,
Bhubaneswar.

Sub:-

Diversion of 0.82 ha of forest land for construction of 132 KV transmission line by M/s SMC Power Generation Ltd. at village Hirma in Jharsuguda district, Orissa.

Sir,

I am directed to refer State Govt. letter No.10F(Cons)-541/2011-10609/F&E dated 09.06.2011 on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

After careful consideration of the proposal of the State Government, the Central Government **hereby agrees** for diversion of 0.82 ha of forest land for construction of 132 KV transmission line by M/s SMC Power Generation Ltd. at village Hirma in Jharsuguda district of Orissa, subject to the fulfillment of the following conditions:-

1. Legal status of proposed forest land for diversion shall remain unchanged.
2. The State Govt. shall charge the Net Present Value (NPV) of forest area diverted under this proposal from the user agency at the rates as per Orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard.
3. An undertaking from the user agency shall also be obtained to the effect that in case the rates of NPV are revised upwards, the additional/differential amount shall be paid by the user agency.
4. The user agency shall transfer the cost of Penal Compensatory Afforestation to State Forest Department over five times the degraded forest land i.e.(0.82 ha. X 5 = 4.10 ha.) as proposed by State Govt. at the site selected and afforestation scheme prepared by State Forest Department.
5. The State Government shall deposit Net Present Value and all other funds with the Ad-hoc Body of Compensatory Afforestation Fund Management and Planning Authority (CAMPA), in SB Account No.SB01025222 of Corporation Bank, CGO Complex, Phase-1, Lodhi Road, New Delhi - 110 003 or in SB Account No.344902010105428 of Union Bank of India, Sunder Nagar, New Delhi - 110 003, as per the instruction communicated vide letter No.12-2/2010-CAMPA dated 13.05.2011 and dated 24.06.2011.

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6. The user agency shall take up plantation of selected dwarf species under transmission line to be laid at project cost in consultation with the State Forest Department.
7. The user agency may also take up plantation of indigenous and suitable species in the project area to develop the greenery of the area at project cost in consultation with the State Forest Department.
8. The user agency shall trim/pollard and maintain the biomass wherever feasible under the power line/transmission line or bear the cost to get it done by any expert agency or Forest Department under the supervision of Forest Department.
9. The user agency shall submit the GPS reading of all electric poles, which are to be fixed on forest land, before final forest clearance of the project.
10. Felling/Pollarding/pruning of trees will be done with the permission of State Forest Department, wherever necessary to maintain the electrical clearance within the diverted area.
11. The minimum ground clearance of the bare conductor shall be maintained 5.8 metre as per IS.
12. Minimum clearance of 4.0 metre may be allowed between conductors and trees. The sag and swing of the conductors are to be kept in view while working out the minimum clearance. Regular trimming need to be carried out so that the trees do not touch the live wire.
13. No earth or any construction material shall be borrowed from forest area and no debris resulting during construction shall be disposed off in the adjoining forest area.
14. No additional or new path will be constructed inside the adjoining forest area for transportation of construction materials for execution of the project work.
15. One outer strip shall be left clear to permit maintenance of the transmission line.
16. Regular monitoring of the lines will be done along with forest officials and log books shall be maintained.
17. Circuit breakers with appropriate and adequate protection with regard to safety of wildlife should be provided at all distribution lines (branching of lines) passing through the forest and adjoining forest areas.
18. No labour camps shall be allowed in the forest area and sufficient fuel from approved source shall be provided by the use agency or contractors working under them to the labourers (if camping outside the forest) engaged in the project at project cost to ensure reduction of pressure on nearby forests. The register of such fuel use, mentioning the source shall be maintained by the user agency which shall be regularly checked by the Forest Department.

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19. The user agency shall ensure that there shall be no damage to the available forests, wildlife, if any by the user agency or by the Labourers/Contractors engaged by them.
20. The forest land proposed for diversion shall not be used for any purpose other than that specified in the proposal.
21. User Agency shall take necessary steps to keep the height of the transmission line such that no wild animal come in accidental contact with live wire.
22. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environmental Protection Act, 1986 and all other Acts, Rules/Regulation as may be applicable to such project.
23. All the rights as per provision of Scheduled Tribes and Other Traditional Forest dwellers Forest (Recognition of Forest Rights) Act, 2006 shall be settled, before final approval of the project and all certificate towards settlement of all right shall be obtained. Guidelines of the Ministry communicated vide letter No.11-9/1998-FC (Pt) dated 30.07.2009 and 03.08.2009 and subsequent guidelines shall be complied with.
24. Any other conditions that the Central Government or CCF(Central) of Eastern Regional Office, Bhubaneswar may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, which shall be complied by the user agency.
25. In case of non-compliance of any of the above conditions, the concerned Divisional Forest officer shall report through the State Govt. to this office as per procedure laid down in the clause 1.9 of guidelines issued under Forest (Conservation) Act, 1980 on 25.10.1992.

After receipt of the compliance report on fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. **Transfer of forest land to user agency shall not be effected by the State Government till formal order approving diversion of forest land is issued by the Central Government.**

Yours faithfully,

A. K. Biswal

(A. K. BISWAL)

CONSERVATOR OF FORESTS (CENTRAL)

Copy to:-

1. The Inspector General of Forest(FC), Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi - 110 003.
2. The Principal CCF, Govt. of Orissa, Aranya Bhawan, C.S. Pur, Bhubaneswar - 16.
3. The CCF & Nodal Officer, Govt. of Orissa, Aranya Bhawan, C.S. Pur, Bhubaneswar.
4. The Divisional Forest Officer, Sambalpur North Forest Division, Sambalpur.
5. The Director, M/s SMC Power General Ltd., At/PO: Hirma, Dist: Jharsuguda, Orissa.
6. Guard File.

CONSERVATOR OF FORESTS (CENTRAL)